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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,423	08/21/2003	Vernon D. Erickson	P1956US00	8059

32709 7590 04/20/2005

SUITER- WEST PC LLC  
14301  
FNB PARKWAY SUITE 320  
OMAHA, NE 68154

EXAMINER
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LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/645,423

Applicant(s)

ERICKSON ET AL.

Examiner

Lisa Lea-Edmonds

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 16-23 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 10-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/21/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claims 10-15 are objected to because of the following informalities: it appears to the examiner of record that claims 10-15 should depend from claim 9 instead of claim 1. Claims 10-15 recite "means" limitations such as the "engaging means" (see claim 10 for example); however claim 1 does not include such "means for" limitations as claimed. Claim 9, however, expressly recite such "means for" limitations as claimed. In an effort to compact prosecution of the instant case, the examiner of record made an attempt to reach Mr. Scott Charles Richardson (attorney listed on the Power of Attorney dated 08/21/03). However, the number listed is not a valid number. Another attempt was made to reach Mr. Kevin E. West (attorney listed on the Change of Correspondence Address dated 02/11/04), however Mr. West was not in the office at the time and a message was left. Ms. Suna returned the message left for Mr. West, at which time the examiner of record noted that neither Mr. West nor Ms. Suna were listed on the Power of Attorney only Mr. Richardson is so named. The examiner of record respectfully request a new Power of Attorney including a complete listing of all attorneys allowed to prosecute this instant application. Appropriate correction is required.

***Allowable Subject Matter***

2. Claims 1-9 and 16-23 are allowed.

3. The following is an examiner's statement of reasons for allowance: as to claims 1-9 and 16-23, patentability resides, at least in part, in the device retention apparatus including a housing, a retaining portion, a selection mechanism, and a locking ramp and/or means for performing such functions as claimed, in combination with the other limitations as claimed. It is noted that the prior art of record fails to teach and/or fairly suggest such a combination of claimed limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Claims 10-15 would be allowable if rewritten to overcome the objection(s) as set forth in this Office action.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Lee (5801920), Johnson (5683159), Noda et al. (4688131), McAnally et al. (5734557), Jeffries et al. (5682291), Brunel et al. (5921644), Alliot et al. (6025987), Liu et al. (6297952, 6304457, 6343009), Vier et al. (6337793), Le et al. (6293636), Noguchi et al. (5535093), and Mansueto (6619766).

6. This application is in condition for allowance except for the following formal matters:

Claims 10-15 are objected to as it appears to the examiner of record that the claims should depend from claim 9 instead of claim 1. Claims 10-15 recite "means" limitations such as "engaging means" (see claim 10 for example); however claim 1 does not include such "means for" limitations as claimed. Claim 9, however, expressly recite such "means for" limitations as claimed.

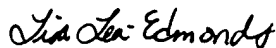
Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lisa Lea-Edmonds  
Primary Examiner  
Art Unit 2835

2005-04-15